

**BEFORE THE
OFFICE OF THE SECRETARY
U.S. DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Application of

SUNWEST AVIATION LTD.

**for an exemption under 49 U.S.C. § 40109
(Canada-U.S. charter service)**

Docket DOT-OST-2003-15949

**APPLICATION OF SUNWEST AVIATION LTD.
FOR RENEWAL OF EXEMPTION AUTHORITY**

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March 8, 2022

Notice: ANY PERSON WHO WISHES TO SUPPORT OR OPPOSE THIS APPLICATION MAY FILE AN ANSWER TO THE APPLICATION AND MUST SERVE THAT ANSWER ON THE PERSONS LISTED ABOVE, AND ON THE ATTACHED SERVICE LIST, NO LATER THAN MARCH 23, 2022.

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Sunwest Aviation Ltd. (Sunwest), pursuant to 49 U.S.C. § 40109 and the Department's Rules of Practice, applies for renewal of its exemption from 49 U.S.C. § 41301 authorizing Sunwest to conduct passenger and cargo charter operations between (1) Canada and the United States, (2) any point or points in the United States and any point or points in any third country or countries, provided that, except with respect to cargo charters, such service constitutes part of a continuous operation, with or without a change in aircraft, that includes service to Canada for the purpose of carrying local traffic between Canada and the United States, and (3) other charters to/from the United States in accordance with 14 CFR Part 212. Sunwest requests that this authority be renewed for a two-year period or such longer period as may be consistent with Department policy.

Pursuant to Part 377 of the Department's regulations, Sunwest states its intention to rely upon the automatic renewal provisions of 5 U.S.C. § 558(c) to continue its exemption authority in effect pending final Department action on this renewal application.

In support of this application, Sunwest states as follows:

1. The Department initially granted charter authority to Sunwest on September 15, 2003,¹ and most recently renewed such authority on April 7, 2020.² The Department consistently has determined that Sunwest is qualified to conduct the proposed operations and that grant of the authority is consistent with the U.S.-Canada Air Services Agreement.

2. On March 12, 2007, the United States and Canada commenced full effectiveness of an “open skies” air transport agreement providing for liberalized scheduled and charter air transportation services.

3. The authority for which renewal is requested here is consistent with the U.S.-Canada Air Transport Agreement, as amended, and the Department has found on numerous occasions that the Agreement authorizes service identical to that involved here. Also, as discussed in Sunwest’s initial application, the Canadian aeronautical authorities have authorized Sunwest to operate non-scheduled international service between points in Canada and points in the United States, among others, and Sunwest remains fully qualified to operate the service for which renewal is requested.

4. Sunwest will continue operating such service exclusively with aircraft designed to have a maximum passenger capacity of not more than 60 seats and a maximum payload capacity of not more than 18,000 pounds.

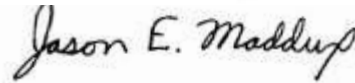
ACCORDINGLY, Sunwest Aviation Ltd. requests that the Department renew its exemption authority for a two-year period to conduct passenger and cargo charter operations between (1) Canada and the United States, (2) any point or points in the United States and any

¹ See Notice of Action Taken, Docket DOT-OST-2003-15949 (Sep. 15, 2003).

² See Notice of Action Taken, Docket DOT-OST-2003-15949 (Apr. 7, 2022).

point or points in any third country or countries, provided that, except with respect to cargo charters, such service constitutes part of a continuous operation, with or without a change in aircraft, that includes service to Canada for the purpose of carrying local traffic between Canada and the United States, and (3) other charters to/from the United States in accordance with 14 CFR Part 212.

Respectfully submitted,



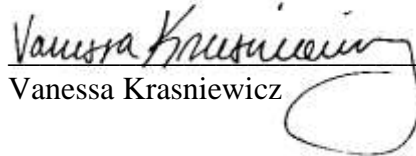
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Counsel for Sunwest Aviation Ltd.

March 8, 2022

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2022, I served the foregoing application of Sunwest Aviation Ltd. upon the parties listed below by electronic mail.


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